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for the meeting of the
COMMISSION ON WATER RESOURCE MANAGEMENT

August 16, 2006
Honolulu, Hawaii

Commission Delegation of Authority
Allowing the Hearings Officer to Extend the Mediation Period for
Complaint C04-31 Regarding Waste of Surface Water, Wailuku, Maui

SUMMARY OF REQUEST:

Staff is requesting that the Commission on Water Resource Management (Commission) authorize the hearings officer to extend the mediation period more than forty-five days after the initial mediation session, if necessary.

BACKGROUND:

The Commission, on February 15, 2006, authorized the Chairperson to select a contested case hearings officer for the Combined Contested Case Hearing for the Petition to Amend Interim Instream Flow Standards of Waihee, Waiehu, Iao, & Waikapu Streams, Iao Ground Water Management Area High-Level Source Water Use Permit Applications, and Citizen Complaint Regarding Waste of Surface Water, Wailuku, Maui (Combined CCH).

On March 17, 2006, the Commission authorized the hearings officer for the Combined CCH to appoint a mediator, with the appropriate administrative help from staff, to begin the mediation process for the Waste Complaint (C04-31).

ANALYSIS/ISSUES:

Section 13-167-87 of the Hawaii Administrative Rules (HAR) provides that after a mediator is appointed, an initial mediation session is to be held within 15 days. If the mediation period takes more than forty-five days after the initial mediation session, the Commission must authorize any extension of the mediation period.

The hearings officer appointed the mediator effective July 10, 2006. Allowing 15 days for the initial mediation session and 45 days for the mediation period, the mediation period should end no later than September 8, 2006.

The mediator has begun initial consultation with individual parties and will be meeting with all the parties in August. The hearings officer projects that the meetings will continue through September 2006. Therefore, it is recommended that the Commission authorize the hearings officer to extend the mediation period.

RECOMMENDATION:

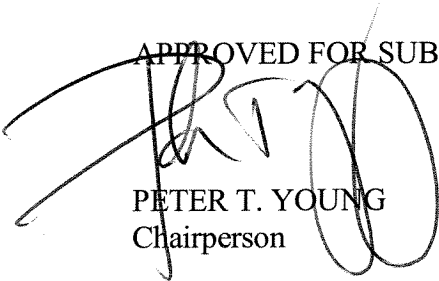
That the Commission on Water Resource Management (Commission) authorize the hearings officer to extend the mediation period beyond September 8, 2006, if deemed appropriate.

Respectfully submitted,



DEAN A. NAKANO
Acting Deputy Director

APPROVED FOR SUBMITTAL:



PETER T. YOUNG
Chairperson